

REMARKS

In the August 26, 2004 Office Action, the Examiner noted that claims 1-11 were pending in the application and were rejected under 35 U.S.C. § 102(e) as anticipated by or unpatentable over U.S. Patent 6,182,072 to Leak et al. (Reference A). Claims 1-11 remain in the case. The Examiner's rejections are traversed below.

The Application

The present invention is directed to automatically generating instruction information or an operational procedure for automatically selecting items from content information obtained from a digital broadcast, where the instruction information or operational procedure is obtained from the content information. Content information containing the operational procedure may be output to for review, or the instruction information may be used to select the items for display to broadcasting personnel to confirm that the correct items are displayed properly, or to select the items for display to users.

The Prior Art: U.S. Patent 6,182,072 to Leak et al.

The Leak et al. patent is directed to a system for providing "a user with a 'tour' of certain Web pages" (column 2, lines 64-65, emphasis added) on a display device "without having to specifically request each Web page" (column 2, line 67). The disclosed embodiments use a WebTV client 1 which is also identified as a WebTV receiver or "box" 10 (see column 4, lines 59-67) connected to the Internet and a WebTV server 5. The WebTV client is connected to a television set to display Web pages received from the Internet or the WebTV server. Either the WebTV client or the WebTV server may be used to identify links on a web page to other web pages and automatically retrieve those web pages for display to a user without receiving a request from the user (see column 7, line 26 to column 8, line 50). "The number of levels to be included in the tour can be limited based on **the user's** preference or a preset limit" (column 7, lines 63-65, emphasis added). "However, **the user may** interrupt the tour or **alter the tour** at any time" (column 8, lines 29-30, emphasis added).

Prior Art Rejections

In item 2 on pages 2-11 of the Office Action, claims 1-7 and 9-11 were rejected under 35 U.S.C. § 102(e) as anticipated by Leak et al. and on pages 12-13, claim 8 was rejected as unpatentable over Leak et al. In rejecting claim 1, the Examiner asserted that "[t]he reference discloses that any communication path may be used, which includes digital broadcasting."

However, the reference itself contains no suggestion of any use of digital broadcasting. The only use of any word in Leak et al. that includes "casting" is in the title of an article in PC Magazine, "Webcasting Takes off; Use of World Wide Web to deliver Software, Customized News Services," that was a cited reference. This title indicates the difference between the type of communication provided by the system disclosed by Leak et al. and a "broadcast" which is defined in Newton's Telecom Dictionary by Harry Newton (the 16th and a Half Update, Expanded and Much Improved Edition published 2000) as follows:

To send information to two or more receiving devices simultaneously – over a data communication network, voice mail, electronic mail system, local TV/radio station or satellite system. Broadcast involves sending a transmission simultaneously to all members of a group. ... See also Narrowcasting and Pointcasting. Contrast with Unicast, Anycast and Multicast.

Attached as Exhibit A is the full definition of "Broadcast" from Newton's Telecom Dictionary, along with definitions of "narrowcasting", "pointcasting", "multi-cast", "multi-casting", "unicast", and "unicasting". It is clear from the quote above from column 8, lines 29-30 of Leak et al. that the system taught by Leak et al. does not use broadcasting, but rather what is commonly termed "unicasting", which is defined by Newton's Telecom Dictionary as "[c]ommunicating from one device to another."

It is submitted that Leak et al. cannot anticipate claims 1-7 and 9-11 when the system disclosed therein will not function with a digital broadcast which is what all of the independent claims recite. There is no teaching or suggestion in Leak et al. of "receiving content information of data broadcasting in digital broadcasting" (e.g., claim 1, lines 2-3) or selecting "items, described in a language for data broadcasting" (e.g., claim 1, line 5), as described on page 10 of the application. On the contrary, Leak et al. teaches using HTML which is not a language specifically used for data broadcasting, but rather a general purpose World Wide Web language. Citing Leak et al. as anticipating the present invention is like citing an answering machine as disclosing a voice mail system that has broadcast message capability, because both are disclosed as operating on messages in English.

As a result of the differences from Leak et al., the present invention is able to provide benefits to many more users. Not only end users benefit, as taught by Leak et al., but also broadcast personnel benefit by being able to easily view either the operational procedure, or the result of application of the procedure, during or prior to broadcast, as recited in claims 6, 8 and 10. In addition, the present invention is much more efficient than Leak et al. Since it operates

on broadcast data, many users benefit from the operations performed automatically on a single set of data, instead only one user, as taught by Leak et al.

All of the independent claims recite operating on "data broadcasting in digital broadcasting" and information that is "described in a language for data broadcasting". For the reasons discussed above with respect to claim 1, it is submitted that claims 1-11 patentably distinguish over Leak et al.

Summary

It is submitted that Egger et al. does not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-18 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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